

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1522

SPONSOR: Senator Dockery

SUBJECT: Legislative Historic Preservation Commission

DATE: April 15, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Peters</u>	<u>Coburn</u>	<u>AP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Legislative Research Center and Museum (center) was created in 1998 and is located at Tallahassee Community College. The center collects many of the personal papers of former legislators in order to preserve them for future research and historical purposes.

This bill creates the Legislative Historic Preservation Commission within the legislative branch of government. The 25-member commission is to serve the Legislature by: collecting and preserving the historic records of both houses of the Legislature; providing historical information; overseeing and maintaining the operation of the Legislative Research Center and Museum located at Tallahassee Community College; and overseeing, collecting, and expending funds allocated by the Legislature and from other sources. The bill specifically provides that the duties of the Department of State under s.15.07, F.S., to receive all original acts and resolutions and other papers of the Legislature, are not repealed by the bill.

This bill creates section 11.801 of the Florida Statutes.

II. Present Situation:

Section 20.10(1), F.S., creates the Department of State and designates the Secretary of State as the state officer who is responsible for performing the functions conferred by the State Constitution upon the custodian of state records. Section 15.07, F.S., provides that

All original acts and resolutions passed by the Legislature, and all other original papers acted upon thereby, together with the Journal of the Senate, and the Journal of the House of Representatives, shall, immediately upon adjournment thereof, be deposited with, and preserved in, the Department of State, by which they shall be properly arranged,

classified, and filed, provided that the journal of the executive session of the Senate shall be kept free from inspection or disclosure except upon the order of the Senate itself or some court of competent jurisdiction.

Section 257.35, F.S., creates within the Division of Library and Information Services of the Department of State the Florida State Archives for the preservation of those public records, manuscripts and other archival material that have been determined by the division to have sufficient historical or other value to warrant their continued preservation and have been accepted by the division for deposit in its custody. It is the responsibility of the division to:

- < Organize and administer the Florida State Archives.
- < Preserve and administer such records as shall be transferred to its custody; accept, arrange, and preserve them, according to approved archival practices; and permit them to be inspected and copied.
- < Assist in the determination of retention values for records.
- < Cooperate with and assist state and local governmental entities regarding preservation.
- < Conduct, promote, and encourage research in Florida history, government, and culture.
- < Provide assistance to libraries and other institutions in the preservation of original source materials relating to Florida history, government, and culture.
- < Preserve, collect, process, transcribe, index and research the oral history of Florida government.
- < Assist and cooperate with the records and information management program in the training and information program.

The Legislative Research Center and Museum (center) was created in 1998 and is located at Tallahassee Community College. The center collects many of the personal papers of former legislators in order to preserve them for future research and historical purposes.

III. Effect of Proposed Changes:

The bill creates the Legislative Historic Preservation Commission (the “commission”) within the legislative branch of government. The commission consists of not more than 25 members, including:

- < Eight persons who are former members of the House of Representatives, which are appointed by the Speaker of the House of Representatives.
- < Eight persons who are former members of the Senate, which are appointed by the President of the Senate.
- < The Clerk of the House of Representatives.
- < The Secretary of the Senate.
- < The Sergeant at Arms of the House of Representatives and the Senate.
- < The President of the Tallahassee Community College or designee.
- < The Secretary of State or designee.
- < The director of the commission.

- < Up to two other persons selected by the commission.

The bill provides for staggered terms and identifies the method by which this is attained.

The bill requires the commission to elect from its members a chair and vice chair and such other officers as it desires.

The commission is authorized to adopt its own rules of procedure, except that with respect to the provisions of s. 24, Art. I of the State Constitution, it must abide by the rules of both houses regarding the enforcement of the section. Rules of procedure must provide that the meetings of the commission will be open and that the public will be given notice of the meetings.

The bill requires the commission to employ a director. The director is appointed by the commission with the advice and consent of the President of the Senate and the Speaker of the House of Representatives. The director serves at the pleasure of these legislative officers.

Members of the commission receive no compensation for service but may be reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

The commission is required to meet at the call of the chair at least twice annually.

The bill establishes the following duties of the commission:

- < Collect and preserve the historic records of both houses of the Legislature.
- < Provide for the availability of the historical information identified by the commission by the most appropriate means possible.
- < Oversee and maintain the operation of the Legislative Research Center and Museum located at Tallahassee Community College.
- < Oversee, collect, and expend funds allocated by the Legislature and any other funds received from other sources.
- < Perform such other duties as the commission considers necessary to the historic preservation of the records of the Legislature.
- < Enter into contracts and agreements necessary, expedient, or incidental to the performance of its duties.
- < Accept gifts, grants, bequests, loans, and endowments for purposes not inconsistent with its responsibilities under the section.

The bill expressly states that the section does not eliminate the duties of the Department of State under s. 15.07, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

With respect to the provisions of s. 24, Art. I of the State Constitution, the commission is required to abide by the rules of both houses regarding the enforcement of the section, instead of being authorized to adopt its own rules of procedure. Rules of procedure must provide that the meetings of the commission will be open and that the public will be given notice of the meetings.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The commission is required to meet at the call of the chair at least twice annually. Members of the commission receive no compensation for service but may be reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the commission to employ a director. The director is appointed by the commission with the advice and consent of the President of the Senate and the Speaker of the House of Representatives. The director serves at the pleasure of these legislative officers. The director, however, is also a member of the commission. Typically, an employee of a commission is not a commission member.

VIII. Amendments:

None.